IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6420 OF 2005

Aishwarya Co-operative
Housing Society Ltd., . .. Petitioner.

vs.

State of Maharashtra
& Ors. .. Respondents.

Mr. S.G. Page with A.C. Sarkate for petitioner.

CORAM : S.U. KAMDAR, J.

DATE : 12th December, 2005.

P.C.:

. The present petition challenges the order dated 19.8.2005 passed by the Divisional Joint Registrar, C.S.Mumbai by which a stay is granted to the order dated 27.5.2005 passed by the Deputy Registrar, C.S. Mumbai under section 21 (A) of the Maharashtra Co-op. Societies Act, 1960. It is contended by the learned counsel for the petitioner that the cooperative society which is already incorporated pursuant to the said order cannot be restrained from functioning since it is a statutory body. I do not find any merit in the aforesaid

contention. If the appeal is filed before the Divisional Joint Registrar and the Divisional Joint Registrar in the facts of a particular case comes to the conclusion that the order appealed against is required to be stayed then it is not required to be interfered with in writ jurisdiction under Article 227 of the Constitution of India. On the perusal of the order, I am of the opinion that the Divisional Joint Registrar has considered the different aspects in the matter before granting stay. In that view of the matter, the present petition is required to be dismissed. However, the Divisional Joint Registrar is directed to disposal of the pending appeal before him expeditiously and in any event on or before 28.2.2006. Both the parties are directed to appear before the Divisional Joint Registrar and the Divisional Joint Registrar is directed to hear the matter on 9.1.2006 and the Divisional Joint Registrar will thereafter take up hearing of the appeal and dispose of the same expeditiously.